

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

RAYMOND HUNTER, SR.,)	
Plaintiff,)	
)	
vs.)	NO. 1:09-cv-246
)	
CVS PHARMACY and)	Collier/Carter
ABBOT LABORATORIES)	
Defendants.)	

REPORT and RECOMMENDATION

Plaintiff, acting *pro se*, alleges he suffered arsenic poisoning from medication containing arsenic that he bought from defendant in May 2009. Plaintiff moves to amend his complaint to allege a products liability claim against defendant. [Doc. 31]. At the August 27, 2010 hearing on plaintiff's motion to amend his complaint, plaintiff stated he thinks he has already stated a products liability claim in his existing complaint but moves to amend out of an abundance of caution.¹ The deadline for amendments to the pleadings was April 30, 2010. *See* Scheduling Order, Doc. 10. Plaintiff filed his motion on August 8, 2010. Plaintiff has offered no reasonable basis to explain why he did not think he had a products liability case at the time he filed his original action. Pursuant to Fed. R. Civ. P. 16(b), absent good cause, a party may not amend his pleadings after the deadline for amendment has expired. *Inge v. Rock Financial Corp.*, 388 F.3d 930, 934 (6th Cir. 2004); *Leary v. Daeschner*, 349 F.3d 888, 905 (6th Cir. 2003). Accordingly, it is RECOMMENDED plaintiff's motion to amend be DENIED.

/s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE

¹ The undersigned offers no opinion as to whether the plaintiff's present complaint contains a products liability claim.